

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHIGBO PETER UMEH,

Petitioner,

-v-

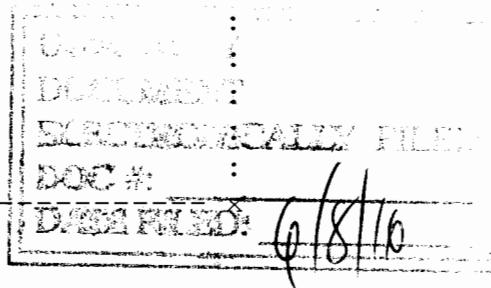
UNITED STATES OF AMERICA,

Respondent.

JED S. RAKOFF, U.S.D.J.

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: 14 Civ. 8473 (JSR)
: 09 Cr. 524 (JSR)

ORDER



On February 24, 2016, the Honorable Sarah Netburn, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending the denial of petitioner Chigbo Peter Umeh's petition filed pursuant to 28 U.S.C. § 2255. On April 22, 2016, petitioner submitted objections to certain portions of the Report and Recommendation. The Court has reviewed the petition, Umeh's objections, and the underlying record de novo.

Having done so, the Court is in complete agreement with Judge Netburn's Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court dismisses the petition with prejudice. Because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal by petitioner from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). The Clerk of the Court is

hereby directed to close the motion at document number 134 on the criminal docket of this case, U.S. v. Umeh et al., 09-cr-0524-1 (JSR), and to enter judgment on the civil docket.

SO ORDERED.


JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
June 7, 2016